

City Council Introduction: **Monday**, November 19, 2001  
Public Hearing: **Monday**, November 26, 2001, at **5:30 p.m.**

Bill No. 01R-309

## **FACTSHEET**

**TITLE:** **SPECIAL PERMIT NO. 1013-I**, requested by Steve Miers, for authority to construct an 80' flag pole in the required front yard setback to display the American Flag, on property generally located at South 56<sup>th</sup> Street and Waltz Road.

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: Consent Agenda, 10/03/01  
Administrative Action: 10/03/01

**STAFF RECOMMENDATION:** Conditional Approval.

**RECOMMENDATION:** Conditional Approval (7-0: Carlson, Duvall, Hunter, Newman, Schwinn, Steward and Taylor voting 'yes'; Bills and Krieser absent).

### **FINDINGS OF FACT:**

1. The staff recommendation of conditional approval is based upon the "Analysis" as set forth on p.3-4, concluding that the request is in conformance with the Comprehensive Plan.
2. This application was placed on the Consent Agenda of the Planning Commission on October 3, 2001, and opened for public hearing. No one came forward to speak.
3. The Planning Commission agreed with the staff recommendation and voted 7-0 to recommend conditional approval.
4. The Site Specific conditions of approval required to be completed prior to scheduling this application on the Council agenda have been submitted by the applicant and approved by the reviewing departments.

**FACTSHEET PREPARED BY:** Jean L. Walker

**DATE:** November 13, 2001

**REVIEWED BY:** \_\_\_\_\_

**DATE:** November 13, 2001

**REFERENCE NUMBER:** FS\CC\FSSP1013I

## LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

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**P.A.S.:** Special Permit #10131

**DATE:** September 19, 2001

**PROPOSAL:** Steve Miers requests an amendment to the existing special permit for planned service commercial to allow for the construction of an 80 foot high flag pole, which exceeds the maximum allowed height of the district, for the display of the American Flag in the required front yard setback. The special permit is for the Trade Center, generally located at 56<sup>th</sup> and Waltz Road.

**WAIVER REQUEST:**

Section 27.45.070(a) Increase height to 80 feet for the flag pole.

Section 27.45.070(a) Reduce the front yard setback to a point shown on the site plan to allow for the flag pole.

**LAND AREA:** 3.6 Acres

**CONCLUSION:** In conformance with the Comprehensive Plan.

<b>RECOMMENDATION:</b>
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Conditional Approval
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**GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** Lot 44 Irregular Tract located in the NW 1/4 of Section 16 T9N R7E in Lancaster County, Nebraska.

**LOCATION:** 56<sup>th</sup> and Waltz Road

**APPLICANT:** Steve Miers  
6000 S. 56<sup>th</sup> Street  
Lincoln, NE 68516  
(402)730-6000

**OWNER:** Same

**CONTACT:** Same

**EXISTING ZONING:** H4, General Commercial District

**EXISTING LAND USE:** Mini warehouses

## **SURROUNDING LAND USE AND ZONING:**

North:	Planned Service Commercial	H4, General Commercial District
South:	Planned Service Commercial	H4, General Commercial District
East:	Planned Service Commercial	H4, General Commercial District
West:	Vacant	H4, General Commercial District

**HISTORY:** This area was zoned AA, Rural and Public Use District and A-1, Single Family Dwelling District until it was updated to AGR Agricultural Residential and R-1, Residential during the zoning update in 1979.

On **April 4, 1983**, City Council approved Change of Zone #2018 to H4, General Commercial District.

On **April 4, 1983**, City Council approved Special Permit #1013 to expand the area of Planned Service Commercial at 56<sup>th</sup> and Old Cheney Streets for 400,875 square feet of building area in 25 buildings to the east of this site.

On **September 5, 1989**, City Council approved Special Permit #1013D for Planned Service Commercial at 56<sup>th</sup> and Waltz Road for authority to construct a self-service storage facility.

**COMPREHENSIVE PLAN SPECIFICATIONS:** The Comprehensive Land Use Plan specifies this area as commercial.

**TRAFFIC ANALYSIS:** The Functional Street Classification in the Comprehensive Plan indicates that South 56<sup>th</sup> Street is classified as a minor arterial and Waltz Road is a local street.

South 56<sup>th</sup> Street has a Building Line District. The Building Line District requires the front yard line be located 50 feet from the centerline of South 56<sup>th</sup> Street.

## **ANALYSIS:**

1. This is a request to allow an 80 foot flag pole in order to display the American flag in the required front yard.
2. Section 27.45.070(a) of the Zoning Ordinance specifies a maximum allowable height of 35 feet and a required front yard of 50 feet in H4, General Commercial District.
3. Section 27.63.470(d) Permitted Special Use: Planned Service Commercial states: "The City Council may increase or decrease the height and area regulations and the floor area to land area ratios otherwise applicable in the H4 General Commercial District, consistent with adequate protection of the environments of adjacent land uses"(page 27-157).

4. This area is located in a floodplain. The Comprehensive Plan indicates that the capacity of the floodway or floodplain shall be maintained. All construction must comply with all Federal, State, and City floodplain regulations including the standards as set forth in Title 27, Zoning Ordinance, section 27.55 Flood Plain District.
5. The Building and Safety Department indicated that:
  - The applicant needs to provide an existing and proposed grading plan or a note to indicate that no grading changes are taking place.
  - A building permit and flood plain permit is required at which time structural engineering for both the pole and footings must be provided.
  - It should be noted that no portion of the flag may fly over any property lines, building line district lines, or easement lines without approval by the City.
  - If the flag is to be illuminated, the source of illumination must be noted on the site plan as well as how the applicant is going to control any light pollution.

**CONDITIONS:**

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department office and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:
  - 1.1 The permittee shall have submitted a 5 copies of a revised final plan including the following revisions:
    - 1.1.1 Provide an existing and proposed grading plan or add a note that no grading will be performed.
    - 1.1.2 Revise the plan to note that no portion of the flag may fly over any property lines, building line district lines, or easement lines.
    - 1.1.3 If the flag is to be illuminated, the source of illumination shall be noted on the site plan as well as how the applicant is going to control any light pollution.
2. This approval permits up to an 80 foot flag pole for the display of the American Flag in the required front yard setback as shown on the site plan.

General:

3. Before receiving building permits:
  - 3.1 The construction plans shall comply with the approved plans.
  - 3.2 A building permit and flood plain permit is required at which time structural engineering for both the pole and footings must be provided.

STANDARD CONDITIONS:

4. The following conditions are applicable to all requests:
  - 4.1 All privately-owned improvements shall be permanently maintained by the owner.
  - 4.2 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
  - 4.3 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
  - 4.4 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the applicant.
  - 4.5 All construction shall comply with all applicable floodplain regulations.
5. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Prepared by:

Becky Horner  
Planner

# **SPECIAL PERMIT NO. 1013-I**

## **CONSENT AGENDA**

### **PUBLIC HEARING & ADMINISTRATIVE ACTION**

#### **BEFORE PLANNING COMMISSION:**

October 3, 2001

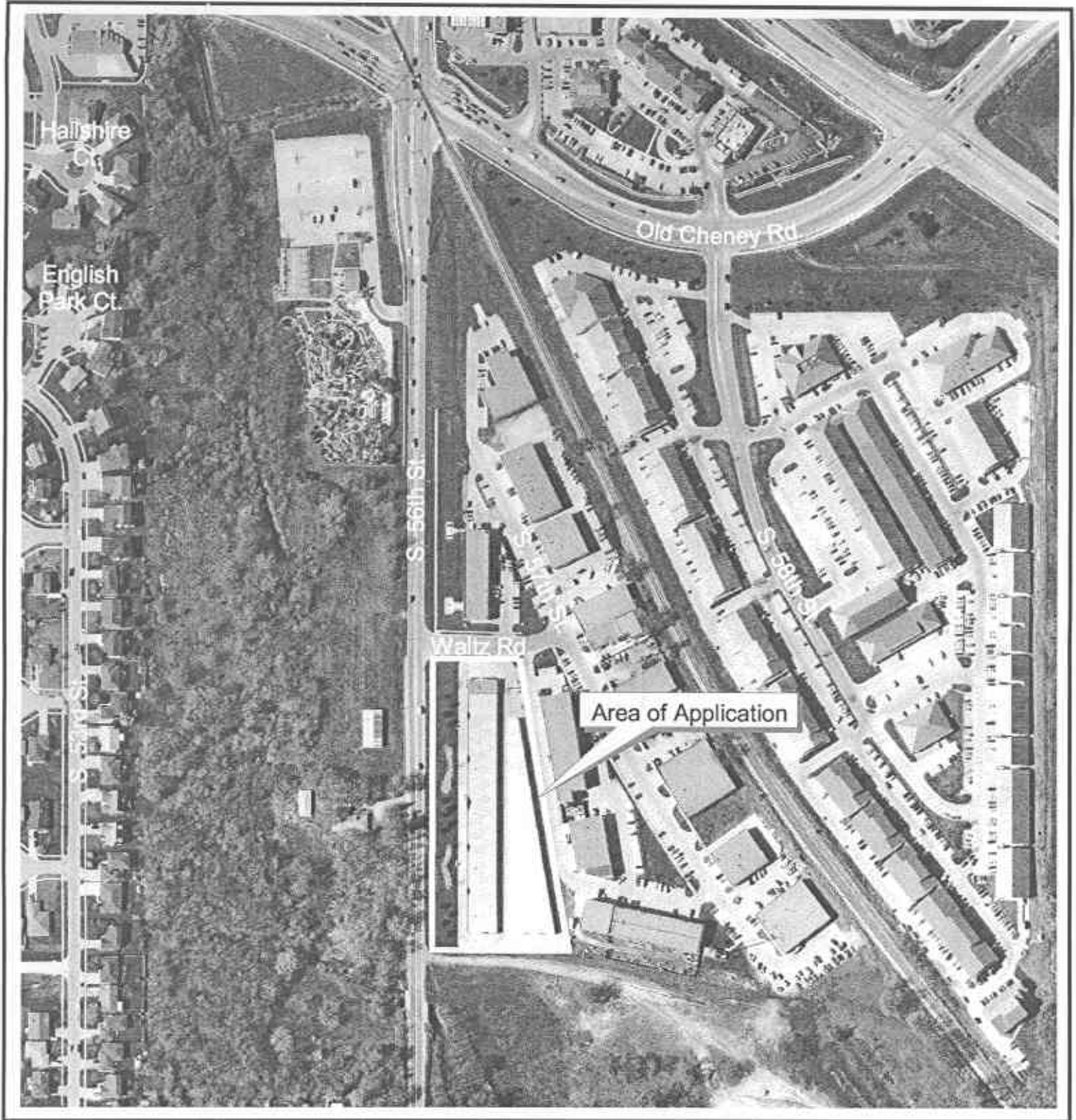
Members present: Carlson, Duvall, Hunter, Newman, Schwinn, Steward and Taylor; Bills and Krieser absent.

The Consent agenda consisted of the following items: **CHANGE OF ZONE NO. 3341; SPECIAL PERMIT NO. 1013-I; SPECIAL PERMIT NO. 1920; SPECIAL PERMIT NO. 1922; SPECIAL PERMIT NO. 1931; SPECIAL PERMIT NO. 1932; SPECIAL PERMIT NO. 1933; SPECIAL PERMIT NO. 1934; FINAL PLAT NO. 01009, HARTLAND HOMES EAST 5<sup>TH</sup> ADDITION; FINAL PLAT NO. 01021, NORTH CREEK COMMERCIAL PARK; COMPREHENSIVE PLAN CONFORMANCE NO. 01003 and STREET AND ALLEY VACATION NO. 01015.**

**Item No. 1.3, Special Permit No. 1920; Item No. 1.7, Special Permit No. 1933; and Item No. 1.12, Street and Alley Vacation No. 01015,** were removed from the Consent Agenda and had separate public hearing.

Duvall moved to approve the remaining Consent Agenda, seconded by Carlson and carried 7-0: Carlson, Duvall, Hunter, Newman, Schwinn, Steward and Taylor voting 'yes'; Bills and Krieser absent.

Note: This is final action on Special Permit No. 1920; Special Permit No. 1922; Special Permit No. 1931; Special Permit No. 1933; Hartland Homes East 5<sup>th</sup> Addition Final Plat No. 01009; and North Creek Commercial Park Final Plat No. 01021, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by the Planning Commission.



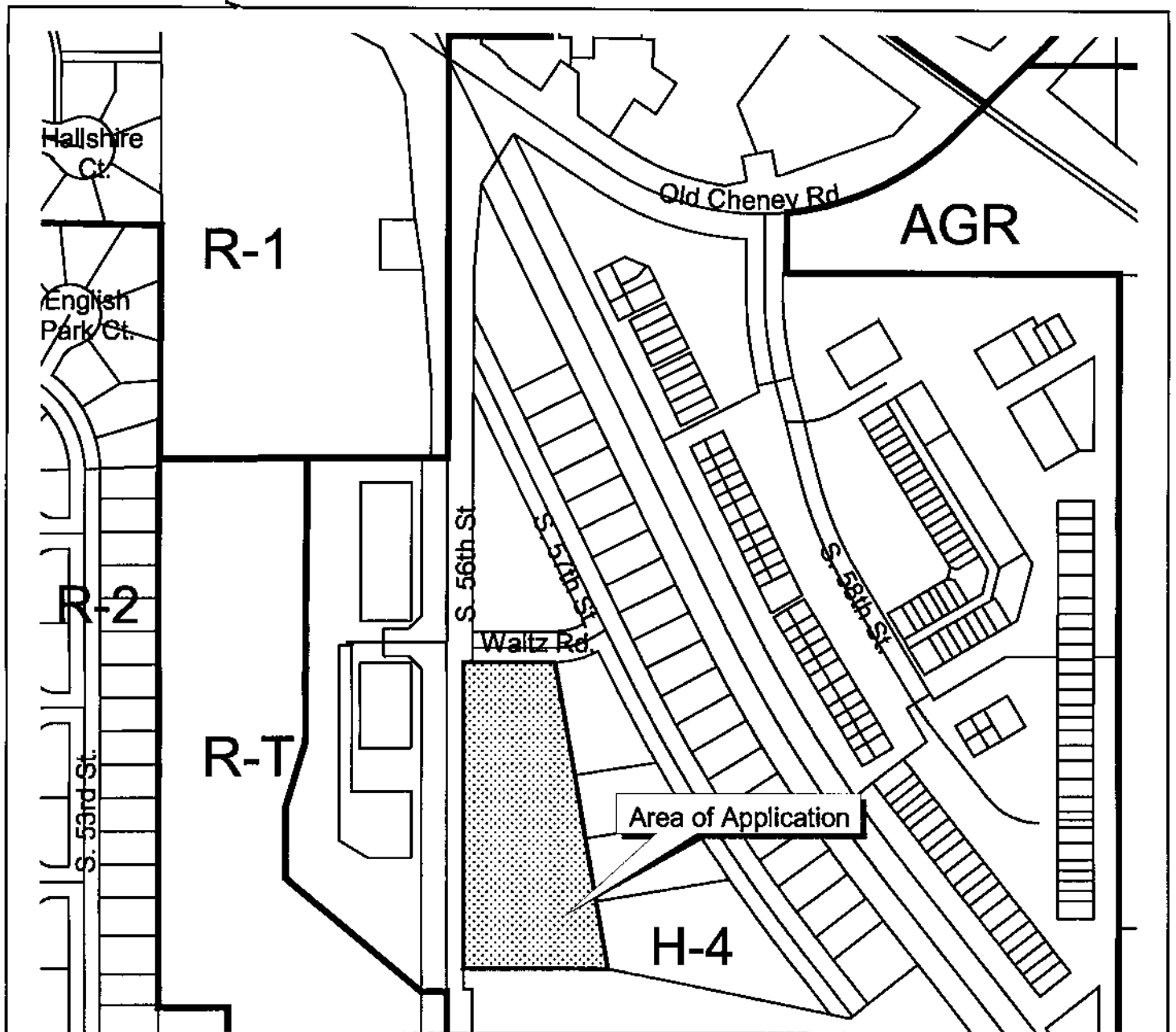
**Special Permit #1013 I**  
**6000 S. 56th St.**



9/20/01 007

Photograph Date: 1999

Lincoln City - Lancaster County Planning Dept.



## Special Permit #1013 I 6000 S. 56th St.

### Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

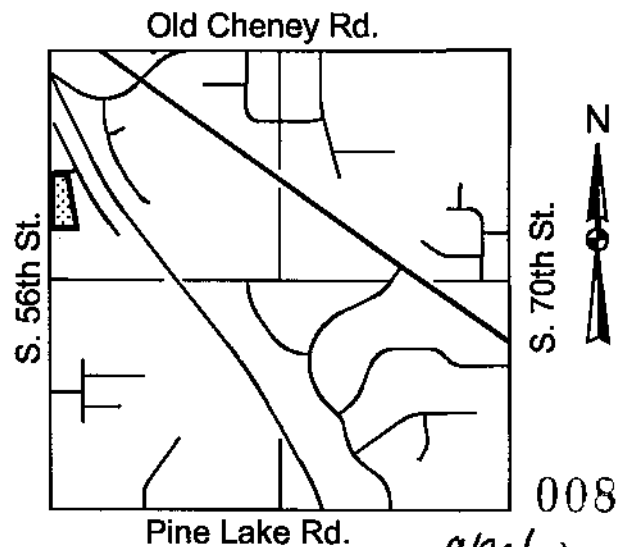
One Square Mile  
Sec. 16 T9N R7E



Zoning Jurisdiction Lines



City Limit Jurisdiction



S. 70th St.

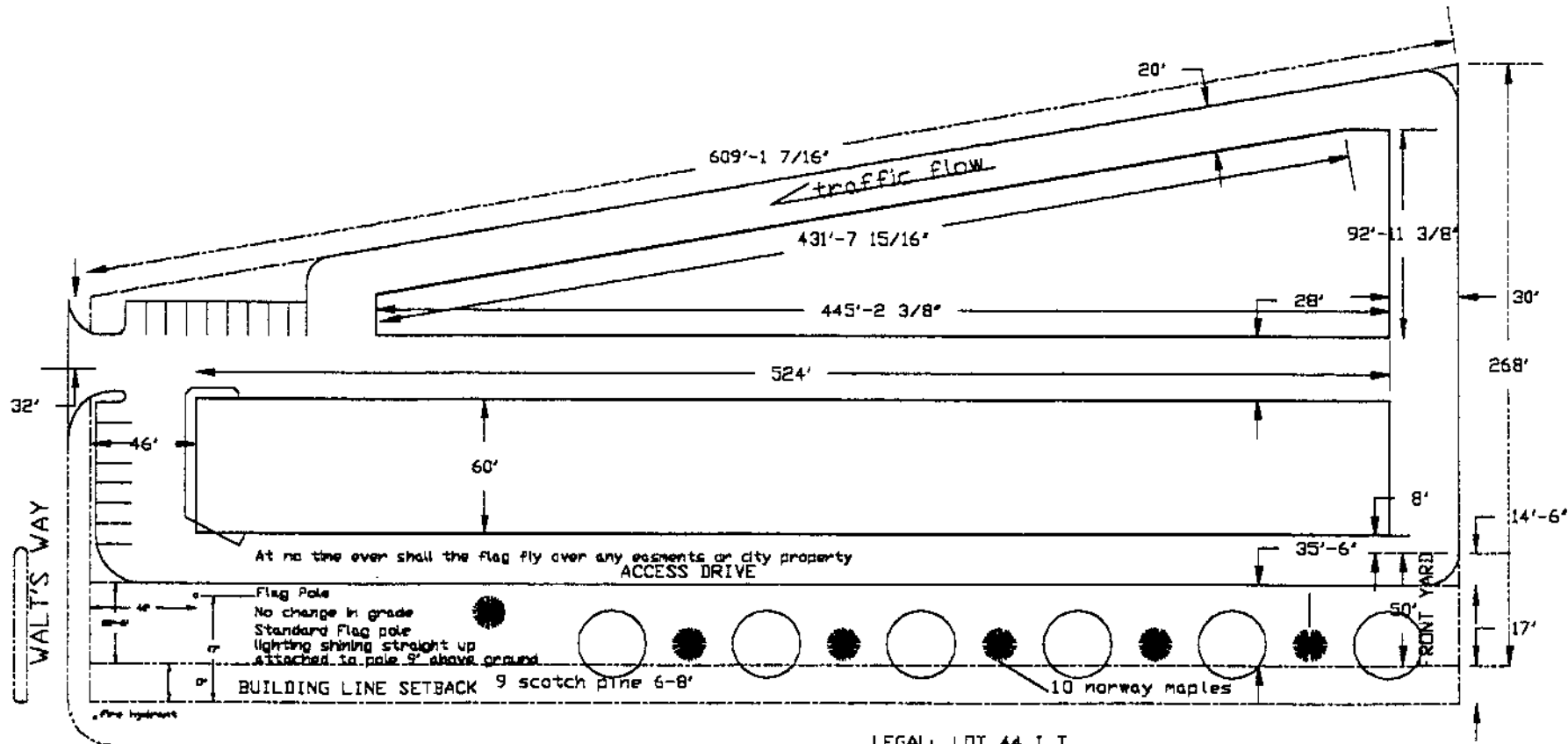
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9/20/01



EXISTING ROADWAY

WALT'S WAY



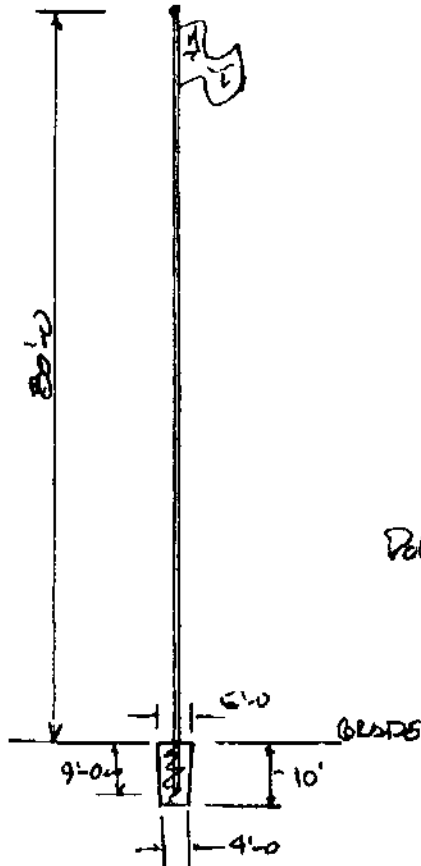
LEGAL: LOT 44 I. T.  
SEC. 16-9N. -R7E.

OWNER STEVE MIERS

SOUTH 56TH STREET

009

10/24/01

J.R. KING  
10/24/01FLAG POLE FOUNDATION

WIND:  
80 MPH Ex "C"  
 $C_g = 1.4$   $C_e = 1.50$

TUBE ~ 4" 10' d

 $A C_g C_e$ 

$$\overline{A C_g C_e} = \frac{8 \times 1.4 \times 1.50}{12} = 1.4 \text{ Ft}^2/\text{ft}$$

$$\text{Pole Base Stress} = 1.4 \times 16.4 \times 80 = 1857'$$

$$\text{Flag Say } 2500' \quad \bar{h} = 60'$$

SOIL UBC Typ 4 or better  
(SAND, SILTY SAND, CLAYEY SAND,  
SILTY GRAVEL)

$$L = 1.50 \times 2 = 300$$

$$\times 3.3 =$$

$$= 1000 \text{ psf}$$

$$A = \frac{2.34 \times 2500}{1000 \times 5} = 1.17$$

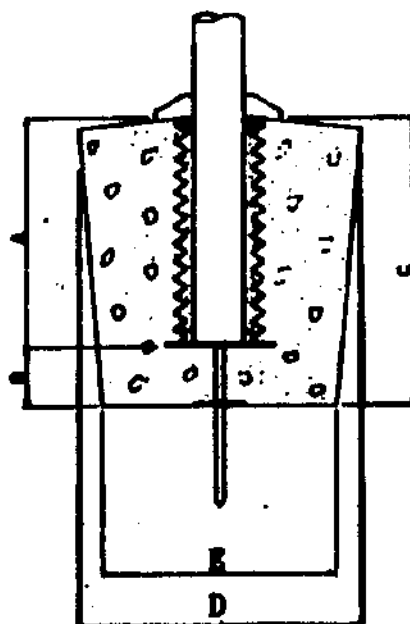
$$10' > d = \frac{1.17}{2} \left( 1 + \sqrt{1 + \frac{4.36 \times 60}{1.17}} \right)$$

$$= 9.35'$$

Pole Foundation Instructions are VERIFIED. *Jerome R. King*



10/24/01



Ground sleeve installation

### Foundation Dimensions

Exposed Height	A	B	C	D	E
20'	3'0"	6"	3'6"	30"	24"
25'	3'0"	6"	3'6"	30"	24"
30'	3'0"	6"	3'6"	30"	24"
35'	3'6"	6"	4'0"	36"	30"
40'	4'0"	6"	4'6"	42"	36"
45'	4'6"	6"	5'0"	48"	42"
50'	5'0"	8"	5'8"	48"	42"
60'	6'0"	10"	6'10"	48"	42"
70'	7'0"	12"	8'0"	60"	48"
80'	9'0"	12"	9'0"	60"	48"

1. Dig foundation hole three to four times the butt diameter of the flagpole and 10% of the length of the pole.
2. Set the foundation tube so that the top of the foundation tube is two inches above grade.
3. Plumb foundation tube and brace so that it will not move during the pouring of the concrete.
4. Pour concrete and trowel up even with top of foundation tube. Keep inside of foundation tube dry. **WARNING: Do not allow concrete to contact aluminum shaft.**
5. Lay pole on saw horses and unwrap. For sectional poles, check both ends for any

011

PLANNING DEPT. \_\_\_\_\_ SPECIAL PERMIT NO. 10131  
ADDRESS OR LOCATION 6000 S. 56th  
RECEIPT NO. \_\_\_\_\_ FEE \$ 585 - cash

### APPLICATION FOR A SPECIAL PERMIT

HONORABLE CITY COUNCIL  
City of Lincoln, Nebraska

Lincoln, Nebraska 9-18, 2001

Under the provisions of Chapter 27.63 of the Lincoln Municipal Code, the undersigned hereby applies for a Special Permit to: (indicate proposed use or development)

Increase Ht. of District For Flag Pole  
80'

on the property described as Lot 17 44 Block N.W. 1/4 16-9-7

Addition \_\_\_\_\_

Proposed development of the property is shown on plans attached hereto. Type and character of the proposed use is as follows:

Display of American Flag

Petitioner Steve Miers  
(Please Print)

Petitioner's Signature [Signature] Telephone No. 730 6000

Petitioner's Address 6000 S. 56th St 68516

Contact Person Same

Contact Person's Address Same

\* NOTE: Please designate one individual. All information and questions will be directed to this person.

RECORD OWNER & ADDRESS Same

Dates of Planning Commission Hearing \_\_\_\_\_

X:\FILES\PLANNING\PC\FORMS\SPERMIT.wpd

April 20, 2000

SEP 18 2001

012



**Lana T Tolbert**

09/20/2001 02:51 PM

To: Rebecca D Horner/Notes@Notes

cc: Chuck A Zimmerman/Notes@Notes, Dale L Stertz/Notes@Notes

Subject: Trade Center Special Permit Request

This department offers the following comments regarding your request:

1. The applicant needs to provide an existing and proposed grading plan or a note to indicate that no grading changes are taking place.
2. A Building Permit and Flood Plain Permit will be required.
3. The applicant will need to submit structural engineering for both the pole and footings for our review before we can approve any permits.
4. It should be noted that no portion of the flag may fly over and property lines, building line district lines, or easement lines without proper approval.
5. If the flag is to be illuminated, the source of illumination should be noted on the site plan as well as how the applicant is going to control any light pollution.

Please contact Dale at 441-6449 if you have any questions.